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Final Report

Complaint Resolution at the Children's Welfare Services Division of the San Luis Obispo County Department of Social Services

2001-2002 Grand Jury
San Luis Obispo County

January 18, 2002

County Government Center
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GRAND JURY

COUNTY GOVERNMENT CENTER
SAN LUIS OBISPO, CALIFORNIA 93408

January 18, 2002

To the Residents of San Luis Obispo County:

The 2001/2002 Grand Jury has completed an investigation of the County's Child Welfare Services [CWS] (formerly known as Child Protective Services). The Grand Jury's approach focused on the handling of client complaints of the Department of Child Welfare Services.

This investigation was undertaken in early July based on the number of complaints from citizens in the County regarding CWS. The need for the investigation was further evidenced in September when the County Board of supervisors requested the Grand Jury's help in reviewing the numerous complaints they too had received.

We are issuing this Final Report in mid-term in the belief that an early response from the Department of Social Services is needed to help alleviate future problems. The Department has been open, helpful and responsive, and we appreciate their efforts.

The California Penal Code requires a response from the Department within sixty (60) days. The Board of Supervisors has ninety (90) days in which to respond.

This report will also be included in the Grand Jury's Final Report released at the end of this Grand Jury session as well as on the website: www.slocourts.net.

Sincerely,

Don R. Blythe

Don R. Blythe, Foreman
2001-2002 San Luis Obispo Grand Jury

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Introduction

Even as the Grand Jury of 2001/2002 was convening for the first time, it was presented with a number of complaints by parents expressing dissatisfaction with decisions made by and the conduct of various employees associated with the Department of Social Services Child Welfare Division.

These complaints included such complex issues as the loss of parental rights by parents, allegations of physical and sexual abuse of children by care givers, the separation of siblings, and the loss of visitation rights. Objections were made as to the quality of foster care parents and foster homes in which children were housed.

Based on the seriousness and number of complaints received, this Grand Jury decided to conduct an investigation of the complaint review process within the Department of Social Services Child Welfare Division (hereafter referred to as "the Department"). The intent was to determine whether the concerns of the complainants were being properly received, evaluated, and resolved.

Scope of Investigation

The Grand Jury established a November 8, 2001 deadline for information received and reviewed, and interviews and complaints considered for this report.

Meetings with:

- Director, Dept. of Social Services (DSS)
- Carol Allen, Commissioner Juvenile Court
- Judge Barry LaBarbera
- Katcho Achadjian, Chmn Board of Supervisors, SLO County
- Superintendent of Schools, SLO County
- CASA (Court Appointed Special Advocates)
- Former Chmn Grand Jury Health, Education & Social Services Committee
- District Attorney, SLO County
- County Counsel, SLO County

Reviewed following materials:

- Complaints received by Grand Jury
- DSS Policy/Procedures manuals
- Video recording of September 8, 2001 SLO County Board of Supervisors Meeting
- DSS "Best Practices" procedure manual
- DSS Structured Decision Making Manual
- "Family-to-Family - Tools for Rebuilding Foster Care Program"
  1. Based on Anna E. Casey Foundation Program
  2. Stuart Foundation Proposal for Improving Foster Care
- Selected DSS case files
- DSS "Parents Guide to Dependency Proceedings" ("Pink Book")
- Audit report of DSS by State of California April, 1999
- Report of DSS by Amer. Assoc. for Protecting Children, May 30, 1986
- Prior Grand Jury Reports on DSS investigations

Attended following sessions:

- Confidentiality training by DSS Counsel
- Foster Care Orientation
- Calif. Juvenile Justice Symposium
- CASA Education Advocacy Meeting
- Juvenile Court sessions
- Women's Coalition panel discussion

Interviews:

- DSS Program Review Specialist
- DSS Divisions Managers (2)
- Director of DSS
- Deputy Director of DSS
- DSS clients dissatisfied with department complaint handling (15)
- DSS case workers (16)
- DSS supervisors (8)

Background

Arrangements were made for fifteen complainants and their witnesses to be examined through detailed and deliberative interviews. Thereafter, the case workers and their supervisors as well as the director of the Department were questioned regarding their knowledge of the complaint process. Over 30 members of the Department at all levels were interviewed. The case workers averaged seven years of experience; the supervisor personnel, thirteen years.

For inclusiveness, the term "parent" in this report includes natural parents, adoptive parents, and foster parents.

Conclusions

The Grand Jury concludes that the Department has had no efficient system to address the complaints being voiced by parents. It was discovered there were occasions, that by the time the objections were made known and referred to a supervisor or assigned to an investigator, the situation referred to was no longer capable of being corrected due to the finality of court proceedings.

It was decided by this Grand Jury that there was a serious need for implementation of a Standing Review Panel, as had been considered and recommended by Grand Juries[1] and approved by the Board of Supervisors in years past. Such a panel would serve as a body independent of the Department. The panel's purpose is to review decisions and actions by management regarding formal complaints that have not been resolved to the satisfaction of the parents. It was felt such a panel would serve not only to cope with legitimate complaints made, but would protect employees of the Department from charges that were unfounded, unsubstantiated, and possibly unreasonable.

Even as our investigation in this regard was being conducted and our concerns were made known to the management heads of the Department, we were pleased when they concurred and acknowledged that such improvements as were being proposed and recommended were justified. Their good intent appeared to be revealed by the earnest manner with which they reported efforts being made to implement a Standing Review Panel as had been envisioned by this and past Grand Juries.

The Grand Jury wishes to emphasize that overall, the employees of the Department were found to be qualified, well educated, and exhibited dedication as they strived to perform their duties. When questioned they, too, voiced their approval of a Standing Review Panel with members drawn from the community and other agencies whose purpose would be to assist them in allaying the fears of complainants and seeking solutions to the problems. Optimism was expressed that such a panel would assist significantly in supporting case workers and their supervisors from complaints that investigations by the Panel may find to be unjustified.

We are pleased that recommendations made by this Grand Jury have been well

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[1]See Exhibit 3 for a chronology of prior "Standing Review Panel " recommendations.

received by the management and staff of the Department. We were given assurances that a movement to establish a Standing Review Panel would be made without further delay. We were shown plans in progress to better inform parents as to the procedures available to them to make known their complaints and objections. They openly sought the advice of this Grand Jury as they worked to improve the complaint solving process.

Findings

1) The Department's current Operation Manual (Section 22-101.2) is not adequate regarding staff's accountability in investigating complaints in a timely manner.

2) Twelve out of sixteen Social Workers and seven out of eight Supervisors interviewed were unsure or unaware of the process of handling a parent complaint. Personnel have not received initial and/or continuing training on the Procedure as defined in the Operations Manual.

3) Several of the case workers and supervisory personnel are aware only of a process and the person within the Department for handling of discrimination complaints.

4) There was not a complaint form for parents to fill out prior to September 10, 2001.

5) The Department implemented a complaint form on September 10, 2001.

6) Parent complaints are not being logged in a central location.

7) Over 90% of Department workers interviewed were unaware of a Standing Review Panel, its purpose or existence.

8) The Department had made no recent effort to convene or implement the Standing Review Panel as directed by the Board of Supervisors (1996)[2] and recommended by previous Grand Juries (1993/94, 1994/95, 1995/96).

9) The Department has stated the Standing Review Panel will have no financial impact on the Department budget.

10) The current "Parents Guide to Dependency Proceedings" (referred to as the "Pink Book") provided parents when children are removed from the home does not now contain sufficient information regarding how to file a complaint against the Department.

[2] Board of Supervisors meeting dated 9/17/96 Consent agenda Item B-5

Recommendations

After discussions with complainants, the Director of the Department of Social Services ("Director"), as well as staff members at all levels, and a review of files, the Grand Jury recommends the following:

1) Revise the complaint procedure to establish:

   a.) Informal Complaints: Those not required to be logged. Should be resolved within three working days.

   b.) Formal Complaints: A complaint becomes formal when an official complaint form is completed and received. A complaint is to be logged and assigned a number to be tracked to resolution. A receipt letter is to be mailed to complainant within seven working days. These complaints should be resolved within thirty calendar days. Extension beyond thirty days is only allowed with the approval of the Director. If the complaint is not resolved within thirty days or if the resolution is not acceptable to the parent, the parent may then request their complaint be reviewed by the Standing Review Panel.

   Complaints must be filed within ninety calendar days when the complainant knew or should have known of an action or inaction that caused the complaint.

2) All workers at the Department should be trained in the use of Procedure 22-101.2 of the Operations Manual and the implemented changes that have been adopted from Grand Jury recommendations.

3) The Department should revise its complaint form implemented September 10, 2001 as indicated in Exhibit 1.

4) All formal complaints should be logged and tracked including status and disposition in a networked database by a designated person.

5) All current clients of the Department should receive a copy of the new complaint brochure.

6) The Department should convene the Standing Review Panel and implement the following changes.

   a.) The Standing Review Panel should consist of five members:
   One appointed by the Department
   One appointed by CASA, Voices for Children
   One appointed by the Superintendent for County Schools
   One appointed by Behavioral Health Services
   One member of the community appointed by the Standing Review Panel.

   b.) The Standing Review Panel should convene within thirty calendar days of a request by a parent.

c.) The Standing Review Panel should issue their findings and recommendations in writing to the Director within fifteen calendar days of concluding their investigation of the complaint.

d.) The Director should respond to the Standing Review Panel and parent within ten working days with the action taken and timeline to implement.

e.) The Standing Review Panel should be empowered to interview complainants and County employees.

f.) The Standing Review Panel is to have access to Department case files during their investigations.

g.) The Standing Review Panel is to have access to County Counsel.

h.) The Standing Review Panel should submit a quarterly report to the Board of Supervisors. This report should summarize complaints reviewed and disposition of complaints.

7) The Department should revise the Pink Book to include the recommended Complaint Form for parents as well as procedural information.

8) The Board of Supervisors should approve funding for the Standing Review Panel as deemed necessary.

Required Responses

The Department of Social Services is required to respond to Findings 1 through 10 and Recommendations 1 through 7.
The Board of Supervisors is required to respond to Recommendation 8.

Exhibits

1. Complaint Form
2. Proposed Complaint Log
3. History of the Standing Review Panel

Requirements for Response to the Findings and Recommendations included in Grand Jury Reports

Penal Code of the State of California §914 and §933 require agencies subject of a grand jury report to respond to a grand jury's report within sixty days and the governing body of the agency shall respond within ninety days. Section 933.05 contains specific instructions on the permissible responses to the grand jury findings and recommendations as follows:

With regard to findings ...

" *(1) The respondent agrees with finding.*

(2) The respondent disagrees wholly or partially with the finding in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor. ...."

With regard to recommendations ...

(1) The recommendation has been implemented, with a summary regarding the implemented actions.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation

(3) The recommendation required further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefor. ....."

EXHIBIT 1

Department of Social Services

Complaint Form

Complaint # _____
Date Received _____

Forwarded to: _____

Date: _____

Date Returned: _____
Complainant Notified_____

( ) CALWORKS ( ) FOODSTAMPS
( ) MEDI-CAL ( ) FOSTERCARE / CWS
( ) GENERAL ASSISTANCE
( ) ADULT SERVICES
( ) IN HOME SUPPORT SERVICES
( ) OTHER _____

Department use only

Name _____

Address _____

_____

_____

Phone # _____

Case# _____

Case Worker _____

Subject _____

Describe in your own words your complaint.

_____

_____

_____

_____

_____

What resolution are you seeking?

_____

_____

_____

_____

I understand the information is true and complete to the best of my knowledge and belief.

_____ _____

Complainant Signature **Date**

EXHIBIT 1

Department use only

Assigned to: _____ **Date:** _____

Findings:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Resolution:

_____

_____

_____

_____

Client notified by _____ **Date** _____

Client notified of right to review by "Standing Review Panel" Initials_____

If Client requests a "Standing Review Panel" send Request form and information.

Information sent by _____ **Date** _____

COMPLAINT LOG

DATE RECEIVED	HOW RECEIVED	CASE NAME	CASE NUMBER	AID PROGRAM	WORKER	COMPLAINT CODE	OUTCOME	DATE DONE

EXHIBIT 2

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PREVIOUS GRAND JURY RECOMMENDATIONS REGARDING THE STANDING REVIEW PANEL

YEAR	GRAND JURY RECOMMENDATION
1993-1994	The creation at Child Protective Services ("CPS") of a Standing Review Committee composed of peers and representatives of the Multi-Disciplinary Team to help evaluate difficult cases to reduce the possibility that individual case worker bias might be obstructing a satisfactory conclusion.
1994-1995	The Standing Review Committee procedure should be fully implemented without further delay.
1995-1996	The Grand Jury recommends that parents be advised of a Standing Review Panel which may be convened concerning their case. Instructions should include what constitutes their action, and rules concerning their attendance at the proceedings. Include this information in the Pink Book entitled Parent's Guide to Dependency Proceedings (May 1992). The Grand Jury recommends that CPS rewrite Section 22-200F to expand on the CPS Standing Review Panel process. This should include the new instructions to parents referred to above regarding the Pink Book as well as formal guidance to members of the Standing Review Panel.

EXHIBIT 3

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